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turn, and the bearing of the principles already stated is suggested. Many possible subjects of discussion are necessarily passed over, and in one instance at least the fact that there are two sides to a question is not suggested. Thus, on page 627, it is said that if the invalidity of an alleged cloud on title appears upon the face of the writing, there is no ground for invoking the aid of the court. In support of this assertion several New York cases and one Maine case are cited. No mention, however, is made of the fact that in Texas such a document, if made the ground of an actual claim, will be cancelled, and that in Rhode Island the court will enjoin an execution sale which would be clearly void, in spite of the fact that the deed if executed would on its face be invalid. The ground of such a decree is, of course, that the only effect of the sale and deed can be to diminish the value of the plaintiff's title. *Day Co. v. Texas*, 68 Tex. 526; *Linnell v. Battey*, 17 R. I. 241. Nevertheless, in spite of such slight omissions, the work in hand should be of great service to one not seeking to make a thorough study of the law, but wishing merely to learn how the authorities on a particular point stand, and it is in this way that the book is likely to find its chief field of usefulness.

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THE LAW OF AGENCY. By Ernest W. Huffcutt, Professor of Law in Cornell University. Second Edition. Boston: Little, Brown & Co. 1901. pp. li, 406. 8vo.

Prof. Huffcutt's earlier work on the law of agency has been perhaps appropriately termed a brief treatise or summary. His present work, however, may well be dignified with the title of text-book. It not only contains the earlier work in a carefully revised form, elaborated with whatever is of value in the more recent decisions but it also devotes an entirely new section, comprising about one third of the volume, to the law of master and servant. The author lays stress on the fact that much confusion is due to the failure to distinguish between an agent proper and a servant, and he exemplifies this truth by showing how much more intelligible the law may be rendered by well-correlated headings and subdivisions based on this distinction. Many doctrines in the law of agency are vague and ill-defined, and it is a delight to find an author who in setting forth those doctrines is clear and explicit without allowing himself to yield to the scholar's enthusiasm of indulging in metaphysics. Although the point of view of the work seems rather that of the practising lawyer, than that of the theorist, the treatment of the subject is none the less careful and thorough. One need only to read the section on ratification, or that on the principal's liability for the frauds of his agent, in order to be convinced. The author's discussion of the recent decision of *Keighley v. Durant*, in the House of Lords, may perhaps serve as an example. Almost all of the plausible theories advanced on the different topics of agency are concretely set forth in a clear and readable style. The work is therefore a distinct addition to the literature on this branch of the law, and is to be highly recommended both to the student and practitioner.

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A DIGEST OF THE NEW YORK CODE OF CIVIL PROCEDURE. Being a Synopsis of the Chapters of the Code relating to General Practice. Edited by Charles W. Disbrow. Second Edition. Albany: Matthew Bender. 1901. pp. 151.

The absolute impossibility of a beginner's gaining any clear idea of the principles and provisions of the New York Code from a study of that instrument itself is too well known to need comment. There is thus a ready field for such a work as the present little volume which most admirably fulfils its purpose. As the author says in his brief preface, he has striven to make the law student's way more easy by explaining the difficult and technical passages, and by bringing together in their proper order and in a concise form all the widely separated sections relating to the same subject. This difficult task

Mr. Disbrow has accomplished with signal success. Of course it is possible to pick a few flaws in the work. Some matters might have been elaborated a little more fully, and the value of the book as a practical guide thereby increased. So, too, in a few instances, the author's carefully sought-after brevity tends to mislead the reader. Considering the volume as a whole, however, and in view of the difficulties besetting the task, the writer is certainly to be commended. In the short space of one hundred and fifty pages he has presented an excellent summary of the New York Code; a summary which not only is entirely adequate for the needs of the law student, but also conveys a clear idea of the main principles of this very complex subject. E. S. T.

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COMMENTARIES ON THE LAW OF NEGLIGENCE. By Seymour D. Thompson. Vols. I. and II. Indianapolis: The Bowen-Merrill Co. 1901. pp. lvii, 1254; li, 1134. 8vo.

In this work the author intends to treat of negligence in all its relations. Two volumes are now at hand, the first of which contains statements of general principles, together with their common applications, while the second treats of the negligence of Railway and Telegraph Companies. Four volumes are to follow.

In the law of torts it is especially true that many rules of substantive law have been based on forms of procedure now practically obsolete. Moreover, the volume of decided cases has become so enormous, and their results have been so variant, and so largely based on their individual facts, that their mere enumeration affords little assistance towards a uniform statement of principles. In a work of such magnitude as the present it was to be hoped that the author would undertake the task, which most text writers leave untouched, of suggesting some broad, rational principles which would cover ground now broken into separate divisions by petty, irrational distinctions. Such a work might do much to free the courts from subserviency to the results of obsolete forms of procedure, and to guide them to a simpler and more uniform statement of the law. This hope, however, is disappointed by these volumes. The author formulates no guiding principle to run through the entire book, and even in his treatment of the law of specific subjects, except for here and there a keen suggestion, generally contents himself with enumerating conflicting views, as for example where he treats of recovery for mental anguish caused by the negligence of telegraph companies. In the development or simplification of the law, then, the book can have little effect.

On the other hand, the law, as commonly understood, is clearly stated, and many subjects newly brought before the courts are treated. The compilation of authorities is exhaustive, as the author expects to cite at least 35,000 cases before the work is consummated. A large number of cases are concisely abstracted. As the book, therefore, contains such material as is usually embodied both in the ordinary text-book and in the digest, revised in accord with the latest decisions, it should temporarily, at least, be found highly useful for reference.

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THE HISTORY OF THE LEGISLATION CONCERNING REAL AND PERSONAL PROPERTY IN ENGLAND DURING THE REIGN OF QUEEN VICTORIA. By J. E. R. de Villiers. Being the Yorke Prize Essay for the year 1900. London: C. J. Clay and Sons. 1901. pp. xix, 236. 12mo.

To produce a work of any material value to other than the casual reader upon such a subject as that of the present essay requires an immense amount of careful and well-directed labor. And at the same time to confine the result within the necessarily narrow limits of a prize essay renders the task infinitely more difficult. Nevertheless it is hardly too much to say that Mr. de Villiers has produced a valuable as well as an exceedingly readable book. The essay, however, is not of importance as presenting any new views or even any previously inac-